

NSG-209US1

Appln. No.: 10/690,377
Amendment Dated May 12, 2006
Reply to Office Action of January 12, 2006

Remarks/Arguments:

Claims 1-5 are pending in the above-identified application. Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Tsai. This ground for rejection is respectfully traversed. In particular, Tsai does not disclose or suggest, "[a]n image reading apparatus ... wherein a distance from an original surface of the light transmitting original to the contact image sensor unit is adjusted by changing a position of a surface of the guide rail on which the contact image sensor moves," as required by claim 1.

In the Office Action, with reference to Tsai, it is asserted that elastic element 105, which is between guide rail 104 and rigid body 106, changes the position of the surface of the guide rail. Elastic element 105, however, is a bias spring that urges rigid body 106 against the glass (see Tsai Col. 2, lines 48-51). Tsai discloses that the height of rigid body 106 determines the distance between the frame and the contact sensor (see Col. 2, lines 43-45) but discloses that the distance between the CIS module and the glass is always the same because "the shafts 104 are pressed firmly onto the sheet table". (See col. 2, lines 54-57). Tsai makes it clear that the only reason to adjust the position of the CIS module is to account for "manufacture errors or distortions." Furthermore, Tsai does not disclose changing a position of a surface of the guide rail, as required by claim 1. Indeed, Tsai et al. do not disclose a guide rail. The closest analog to a guide rail appears to be the shaft bearings 107. The position of the shaft bearings 107 remains unchanged in the apparatus disclosed by Tsai, even if the height of the rigid member 106 changes. Thus, claim 1 includes a limitation that is not found in Tsai and is not subject to rejection under 35 U.S.C. § 102(b) in view of Tsai.

Claims 3-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,610,731 to Itoh (Itoh '731) and claims 3 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by published Japanese patent application no. 07-327109 (Itoh '109). These references relate to the same apparatus. Indeed, Itoh '109 is cited as a priority document in Itoh '731. Neither of these references discloses or suggests:

An image reading apparatus ... including a lifting mechanism, positioned between the guide rail and the contact image sensor unit, ... the lifting mechanism being configured to change the distance between the guide rail and the contact image sensor unit during the reading of the light transmitting original to maintain a resolution of the image.

In the Office Action, with reference to Itoh '731, springs 32, racks 35 and gear 37 are cited as a "lifting mechanism" (see Figs. 2 and 3). Itoh '731, however, discloses that springs 32 urge rollers 30 against glass 12 or glass 24 to keep a constant distance between the guide rail and the contact sensor during a reading of an original document. When the contact sensor is

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moved between glass 12 and glass 24, racks 35 and gear 37 are engaged to separate rollers 30 from the glass (see Col. 5, lines 40-60). As described above, Itoh '109 appears to relate to the same apparatus as Itoh '731 thus statements concerning Itoh '731 apply equally to Itoh '109. It appears that the subject invention, as defined by claim 3, differs from Itoh '731 and Itoh '109, because, according to the subject inventor, the distance between the guide rail and the contact image sensor is changed during the reading of the light transmitting original while in both Itoh patents this distance is held constant.

The subject invention provides an advantage over the cited art in that the lifting mechanism, during a reading, keeps the light transmitting original in focus thus allowing the contact image sensor unit to maintain a resolution of the image. Because Itoh '731 does not include this limitation of claim 3, claim 3 is not subject to rejection under 35 U.S.C. § 102(b) in view of Itoh '731 or Itoh '109. Claims 4 and 5 depend from claim 3 and are not subject to rejection under 35 U.S.C. § 102(b) in view of Itoh '731 or Itoh '109 for at least the same reason as claim 3.

Applicant appreciate the indication in the Office Action that claim 2 would be allowed if rewritten to include the limitations of claim 1. As set forth above, because claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Tsai, there is no need to amend claim 2.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the objection to claim 2 and the rejection of claims 1 and 3-5.

Respectfully submitted,


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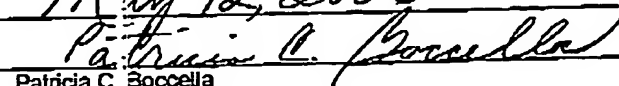
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May 12, 2006

Patricia C. Bocella

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